

Serial No.: 10/634,208  
Amendment Dated: August 13, 2004  
In response to Office Action Dated: May 26, 2004

### REMARKS

In the current Official Action, claims 22 – 39 have been allowed, claims 4, 5, 8, 18 – 21, 43 and 44 have been objected to as being dependant upon rejected base claims, but also have been stated to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims, and with some additional corrections suggested as to claim 44. The remaining claims 1 – 3, 6, 7, 9 – 17, 40 – 42, and 45 – 47 have been rejected under 35 USC § 102(e) as purportedly being anticipated by *Morgante, et al.* (U.S.P. 6,244,203). Applicant's respectfully request reconsideration.

Claims 8 and 21, which were indicated in the Official Action as being allowable, have now been canceled and their limitations added to their respective base claims from which these claims depended, claims 1 and 16, respectively. Accordingly, Applicants respectfully submit that claims 1 – 7, and 9 – 20 as now pending in this application are now allowable over the cited art of record. In addition, claim 44 has been canceled and its limitation added to claim 40, which has now been amended to recite a tufting machine for introducing tufts of yarns into a backing material, comprising a needle bar having spaced needles, and at least one yarn feed unit including a series of yarn feed devices for feeding yarns into the needles; a yarn distribution device having at least one tube bank having a series of separate yarn feed tubes for feeding yarns to selected needles, with the yarn feed tubes being scrambled and of a number sufficient to form at least two pattern repeats across the backing material; and a control system for controlling the yarn feed devices in accordance with program pattern information. It is respectfully submitted that such a



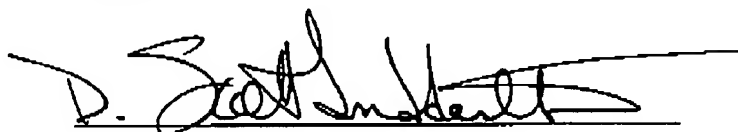
Serial No.: 10/634,208  
Amendment Dated: August 13, 2004  
In response to Office Action Dated: May 26, 2004

construction for a tufting machine is not taught by the cited art of record. Accordingly it is respectfully submitted that claims 40 – 47 are allowable over the prior art of record.

Applicant acknowledges the Examiner's stated reasons for allowance of certain ones of the claims, but Applicant does not concede or admit that the Examiner's stated reasons are accurate or apply to all the claims, nor that the stated reasons are the only reasons for allowability of the claims.

In summary, it is respectfully submitted that pending claims 1 – 7, 9 – 20, 22 – 43 and 45 – 47 define a tufting machine and method of assembling a tufting machine that provides a distinct advance in the art that is not anticipated or suggested by the prior art of record. An early notice of allowance accordingly is solicited.

Respectfully submitted,



D. Scott Sudderth  
Reg. # 34,026  
James F. Vaughan  
Reg. # 31,889

Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, Georgia 30357-0037  
(404) 962-7527